

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

EDWARD ETELMENDORF, Derivatively on  
Behalf of OPTHOTECH CORPORATION.,

Plaintiffs,

VS.

AXEL BOLTE, THOMAS DYRBERG,  
DAVID R. GUYER, DAVID REDLICK,  
MICHAEL ROSS, and GLENN P.  
SBLENDORIO,

Defendants,

and,

OPHTHOTECH CORPORATION.,

**Nominal Defendant.**

Index No: 1:17-CV-04042-UA

## **NOTICE OF VOLUNTARY DISMISSAL**

**PLEASE TAKE NOTICE** that Plaintiff Edward Etelmendorf files this notice of voluntary dismissal without prejudice pursuant to Federal Rule of Civil Procedure 41. Defendants have not filed an Answer or moved for summary judgment. No compensation has been rendered to Plaintiff in return for this dismissal. Plaintiff have not previously dismissed an action based on or including the same claims as presented in this instant action.

Dated: October 17, 2017

**GAINEY McKENNA & EGLESTON**

By: /s/ Thomas J. McKenna

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***Attorneys for Plaintiff***

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on October 17, 2017, a copy of the foregoing document was filed electronically. Notice of this filing will be sent to counsel of record by operation of the Court's electronic filing system.

/s/ Thomas J. McKenna  
Thomas J. McKenna